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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

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10 UNITED STATES OF AMERICA,
11
12 Plaintiff,

13 vs.

14 JIMMY DAVID WASHINGTON, JR.,

15 and

16 DEMECIA SHONTRES
WASHINGTON,

17 Defendants.

2:18-mj-00798-PAL

STIPULATION AND PROPOSED
ORDER TO CONTINUE
PRELIMINARY HEARING AND
FOR EXCLUSION OF TIME

(First Request)

18 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle
19 Elieson, United States Attorney, and Christopher Burton, Assistant United States Attorney,
20 counsel for the United States of America, and Shawn R. Perez, Esq., counsel for Defendant
21 Demecia Shontres Washington, and Rene L. Valladares, Federal Public Defender, and
22 Kathryn Newman, counsel for Jimmy David Washington, Jr., that good cause exists to extend
23 the preliminary hearing currently set for November 5, 2018 at 4:00 p.m. for a period of two
24 weeks days pursuant to Federal Rules of Criminal Procedure 5.1(d).

25 Good cause exists to extend the time for the preliminary hearing within
26 meaning of Rule 5.1(d) because counsel for the defendants will need time for investigation
27 and to advise their respective clients with respect to their options with respect to
28 pre-indictment resolution or preparing the matter for trial post-indictment. As a result, the

1 defendants agree that a continuance of the preliminary hearing date will not prejudice them
2 as it will allow his counsel the opportunity to understand the nature and scope of the evidence
3 in this case in order to prepare an effective defense, as well as to discuss pre-indictment
4 resolution. Both Defendants are currently in custody.

5 Counsel further stipulate that an exclusion of time from November 5, 2018,
6 until such time as the Court schedules a date for preliminary hearing, not earlier than two
7 weeks, is appropriate under the Speedy Trial Act because defense counsel will need time to
8 review pre-indictment discovery and conduct investigation. As a result, counsel for the
9 parties stipulate that the ends of justice are served by the Court excluding such time and
10 outweigh defendants' interest in a speedy trial, as well as the public's interest in a speedy
11 trial, so that counsel for defendants may have reasonable time necessary for effective
12 preparation, taking into account the exercise of due diligence under 18 U.S.C. §
13 3161(h)(7)(B)(iv). Therefore, time should be excluded from computation under the Speedy
14 Trial Act under 18 U.S.C. § 3161(h)(7)(B)(iv) and Title 18, United States Code, Section
15 3161(h)(7)(A).

16 This is the first request to continue the Preliminary Hearing filed herein.

17 DATED this 1st day of November, 2018.

18 /s/ Shawn R. Perez, Esq.
19 SHAWN R. PEREZ, ESQ.
20 Counsel for Defendant,
21 Demecia Washington

DAYLE ELIESON
United States Attorney

By: /s/ Christopher Burton
CHRISTOPHER BURTON
Assistant United States Attorney

22 RENE L. VALLADARES
Federal Public Defender

23 /s/ Kathryn Newman
24 KATHRYN NEWMAN, ESQ.
25 Assistant Federal Public Defender
Counsel for Defendant
Jimmy David Washington, Jr.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JIMMY DAVID WASHINGTON, JR.,
and
DEMECIA SHONTRES
WASHINGTON,
Defendants.

2:18-mj-00798-PAL

**[PROPOSED] ORDER ON
STIPULATION AND PROPOSED
ORDER TO CONTINUE
PRELIMINARY HEARING AND
FOR EXCLUSION OF TIME**

(First Request)

Based on the representations by counsel and stipulation of counsel, good cause appearing therefore, the Court finds that:

1. The parties agree to the continuance.
2. The defendants are incarcerated but do not object to the continuance.
3. Counsel for the defendants will need time for investigation and to advise their clients with respect to their options with respect to pre-indictment resolution or preparing the matter for trial post-indictment.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

- 1 5. The additional time requested herein is not sought for purposes of
- 2 delay.
- 3 6. The continuance sought herein is excludable under the Speedy Trial
- 4 Act, title 18, United States Code, Section 3161(h)(1)(A), 3161(h)(7)
- 5 and Title 18 United States Code, §§ 3161 (h)(7)(A), when the
- 6 considering the facts under Title 18, United States Code, §§
- 7 316(h)(7)(B)(I) and 3161(h)(7)(B)(iv).
- 8 7. This is the first request to continue the date set for the preliminary
- 9 hearing date filed herein.

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13 **ORDER**

14 IT IS THEREFORE ORDERED, that the Preliminary Hearing set for

15 November 5, 2018 be vacated and reset to November 19, 2018 at 4:00 p.m.

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17 DATED: November 2, 2018 _____

18 
UNITED STATES MAGISTRATE JUDGE

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of November, 2018, the undersigned served the foregoing on all counsel herein by causing a true copy thereof to be filed with the Clerk of Court using the CM/ECF system, which was served via electronic transmission by the Clerk of Court pursuant to local order.

/s/ Shawn R. Perez, Esq.

SHAWN R. PEREZ, ESQ.